

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

**BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

**No. C02-061A
C02-061B**

**IN THE MATTER OF JOEL S. HARKOW, M.D.
LICENSE NUMBER MD6985**

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) two complaints were reported to the Board of Medical Licensure and Discipline regarding Joel S. Harkow, M.D. ("Respondent"). The complaints allege a violation of an agreement entered between the Respondent and the Board regarding monitoring of the Respondent's chemical dependence and an inappropriate relationship with a patient.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a licensed physician practicing medicine in Rhode Island.
2. The Respondent was suspended from practice by the Board of Medical Licensure and Discipline ("Board") following being found guilty by the Massachusetts Board of Registration in Medicine; after hearing on the merits, of taking medications from his patients. The Board suspended the Respondent's license to practice medicine in Rhode Island effective June 22, 2001 by Consent Order No. C00-108.

3. The Respondent applied for reinstatement following his return from a treatment center after treatment providers recommended reinstatement with conditions.
4. The Respondent signed a three-year monitoring contract with the Physician's Health Committee ("PHC") of the Rhode Island Medical Society per agreement with the Board. The Respondent agreed to submit to random alcohol and drug screening. The Board was informed by the PHC that the Respondent has taken Ambien in violation of his agreement with the PHC. Recently, laboratory results indicated that the Respondent had abused Ritalin. He admitted to his monitors that he had taken these drugs.
5. The Board received a separate notice from a psychotherapist who was also treating the Respondent's patient that the Respondent had abused drugs with the patient and was involved in an inappropriate relationship with the patient.
6. The Board finds the Respondent guilty of "unprofessional conduct" and that he has violated the terms of the reinstatement of his license to practice medicine.

The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;

- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(2) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

(3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(2) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

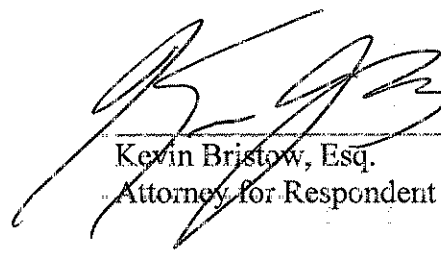
(3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

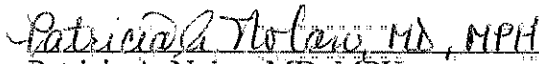
- (5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary surrender action.
- (6) The Respondent surrenders voluntarily his license to practice medicine in the State of Rhode Island.

Signed this 18th day of April, 2002.


Joel S. Markow, M.D.


Kevin Bristow, Esq.
Attorney for Respondent

Ratified by the Board of Medical Licensure and Discipline at a meeting held
on May 8, 2002.


Patricia A. Nolan, MD, MPH
Director of Health